

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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THOMAS WILLIAMS,

Plaintiff,

v.

**DECISION AND ORDER**

JOHN HUPKOWICZ, et al.,

04-CV-51S(F)

Defendants.

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1. Plaintiff commenced this civil rights action *pro se* on January 26, 2004. Defendants moved for summary judgment on July 14, 2005. (Docket No. 15).
2. The Court referred this matter to the Honorable Leslie G. Foschio, United States Magistrate Judge, to hear and report upon dispositive motions and issue a Report and Recommendation for the consideration of the District Judge pursuant to 28 U.S.C. § 636(b)(1)(B).
3. In a Report and Recommendation dated March 29, 2007, Judge Foschio recommended that Defendants' motion for summary judgment be granted.
4. On May 24, 2007, Plaintiff filed Objections to Judge Foschio's Report and Recommendation in accordance with 28 U.S.C. § 636(b)(1)(C) and Local Rule 72.3(a)(3).
5. The Court has thoroughly reviewed this case *de novo* and has considered Judge Foschio's Report and Recommendation, Plaintiff's Objections thereto and the applicable law. Upon due consideration, this Court will accept Judge Foschio's recommendation and grant Defendants' motion for summary judgment for the reasons

stated in the Report and Recommendation. Plaintiff's Objections are therefore denied.

IT HEREBY IS ORDERED, that this Court accepts Judge Foschio's March 29, 2007 Report and Recommendation (Docket No. 32) in its entirety, including the authorities cited and the reasons given therein, and Defendants' Motion for Summary Judgment (Docket No. 15) is GRANTED.

FURTHER, that Plaintiff's Objections (Docket No. 36) are DENIED.

FURTHER, that the Clerk of the Court is directed to close this case.

SO ORDERED.

Dated: June 15, 2007  
Buffalo, New York

/s/William M. Skretny  
WILLIAM M. SKRETNY  
United States District Judge